

REMARKS

The Examiner has objected to the drawings and the abstract. In addition, the Examiner has objected claims 2, 13, 23, 24 and 35 for informalities. The Examiner has rejected claims 12 through 22 under 35 U.S.C. §101 as well as claims 33 through 44 under 35 U.S.C. §112, Second Paragraph. Furthermore, the Examiner has rejected claims 23 through 26, 33 through 37 and 44 under 35 U.S.C. §102(e). Lastly, the Examiner has rejected claims 1 through 22, 27 through 32 and 38 and 43 under 35 U.S.C. §103. In view of the above amendments and the following remarks, the Applicant respectfully requests the Examiner to reconsider the pending objections and rejections.

The Drawing Objections

The Examiner has objected to FIGURES 36, 37 and 38 for lacking a prior art label. Accordingly, FIGURES 36, 37 and 38 no each have the suggested prior art label. Thus, the Applicant respectfully submits that the Examiner withdraw the pending objections to the drawings.

The Abstract Objection

The Examiner has objected to the abstract for informality. Accordingly, the abstract at line 14 has been corrected as suggested by the Examiner. Thus, the Applicant respectfully submits that the Examiner withdraw the pending objection to the abstract.

The Claim Objections

The Examiner has objected to claims 2, 13, 23, 24 and 35 for informalities. Accordingly, claims 2, 13 and 23 have been corrected as the Examiner has suggested.

For claims 24 and 35, as the Examiner has partially suggested, the informalities have been corrected. Since the second appearance of “being” in these claims does not occur, the term, “managing” has been changed to “manages” as the Examiner would prefer. Thus, the Applicant respectfully submits that the Examiner withdraw the pending objections to the claims.

The Section 101 Rejections

The Examiner has rejected claims 12 through 22 under 35 U.S.C. §101 for the lack of statutory subject matter. Accordingly, the preamble of these claims has been amended to the “memory medium for storing computer readable instructions.” Since memory medium is clearly within statutory subject matter, the Applicant respectfully submits that the Examiner withdraw the pending section 101 rejections of the above claims.

The Section 112, Second Paragraph Rejections

The Examiner has rejected claims 33 through 44 under 35 U.S.C. §112, Second Paragraph for failing to particularly point out and distinctly claim the subject matter. In particular, the Examiner has pointed out that “devices” are unclear. Accordingly, claim 33 has been amended to now explicitly recite “managed apparatuses” in lieu of the devices. The Applicant believes that the above amendment now particularly points out and distinctly claims the subject matter. Thus, the Applicant respectfully submits that the Examiner withdraw the pending section 1012 rejections of the above claims.

The Section 102 Rejections

The Examiner has rejected claims 23 through 26, 33 through 37 and 44 under 35 U.S.C. §102(e) as allegedly being anticipated by Martin et al. With respect to

independent claims 23 and 34, the Examiner has alleged that the Martin et al. reference anticipates every aspect of the subject matter limitations. Although the Applicant does not necessarily agree with the Examiner's rejection basis, the Applicant respectfully requests the Examiner to reconsider the pending rejections in view of the amendments to the independent claims.

Newly amended independent claim 23 now each explicitly recites "an abnormal condition reporting unit for reporting to the management apparatus abnormal condition information including a corresponding abnormal condition type on an abnormal condition ...an abnormal condition information management unit ... for storing and managing the abnormal condition information including the corresponding abnormal condition type that is received from the managed apparatuses...[and] an abnormal condition removal determination unit ... for determining whether or not the abnormal condition has been removed from the managed apparatus based upon the abnormal condition removal information and the stored abnormal condition information."

Similarly, newly amended independent claim 34 now each explicitly recites "an abnormal condition reporting unit ... for reporting abnormal condition information including a corresponding abnormal condition type on the detected abnormal condition ... an abnormal condition information management unit ... for storing and managing the abnormal condition information including the corresponding abnormal condition type that is received from the managed apparatuses [and] an abnormal condition removal determination unit ... for determining whether or not the abnormal condition has been removed from the managed apparatus based upon the abnormal condition removal information and the stored abnormal condition information."

A part of subject matter limitation of dependent claims 25 and 36 has been respectively incorporated into newly amended independent claims 23 and 34, which now explicitly recite "a corresponding abnormal condition type." In fact, as supported by the

original disclosure on pages 47 and 48 of the current application, the abnormal condition types are associated with a level of severity of the abnormal condition. For example, when a "Type A" abnormal condition occurs, this will not be reset without a service personnel intervention and needs immediate attention. In contrast, a "Type C" abnormal condition can be solved by resetting or a power ON/OFF operation.

The Examiner has allegedly pointed out that lines 8 through 42 in column 7 of the Martin et al. reference disclose the subject matter of dependent claims 25 and 36. Although some of the five enumerated events may disclose certain abnormal condition in network management, these events are not associated with a predetermined set of "abnormal condition type[s]" as explicitly recited in the newly amended independent claims. Furthermore, as explicitly recited in newly amended independent claims 23 and 34, the "abnormal condition type" is used in conjunction with the abnormal condition removal information to determine as to whether or not a corresponding abnormal condition should be removed. These are the reasons why it is no longer proper to sustain the rejection of newly amended independent claims 23 and 34 since they are not anticipated by the Martin et al. reference.

Dependent claims 24 through 26, 33, 35 through 37 and 44 ultimately depend from newly amended independent claim 23 or 34 and incorporate the above discussed patentable feature of the current invention. Based upon the above reasons, the Applicant respectfully submits to the Examiner that the pending section 102 rejections should be withdrawn.

The Section 103 Rejections

The Examiner has rejected claims 1 through 4, 9 through 15, 20 through 22, 31, 32, 42 and 43 under 35 U.S.C. §103 as allegedly being obvious over Martin et al. in view of Stevenson et al. In addition, the Examiner has rejected claims 5 through 8, 16 through

19, 27 through 30 and 38 through 41 under 35 U.S.C. §103 as allegedly being obvious over Martin et al. in view of Stevenson et al. and further in view of Lovy et al. With respect to independent claims 1 and 12, the Examiner has alleged that the Martin et al. reference along with the Stevenson et al. reference make every aspect of the subject matter limitations obvious. Although the Applicant does not necessarily agree with the Examiner's rejection basis, the Applicant respectfully requests the Examiner to reconsider the pending rejections in view of the amendments to the independent claims.

Newly amended independent claims 1 and 12 each explicitly recite "transmitting abnormal condition information including a corresponding abnormal condition type on the detected abnormal condition from the managed device to the management device; receiving the abnormal condition information at the management device to store and manage the received abnormal condition information; ...; and deleting a corresponding one of the abnormal condition information stored at the management device based upon the received abnormal condition removal call and the stored abnormal condition information."

A part of subject matter limitation of dependent claims 3 and 14 has been respectively incorporated into newly amended independent claims 1 and 12, which now explicitly recite "a corresponding abnormal condition type." In fact, as supported by the original disclosure on pages 47 and 48 of the current application, the abnormal condition types are associated with a level of severity of the abnormal condition. For example, when a "Type A" abnormal condition occurs, this will not be reset without a service personnel intervention and needs immediate attention. In contrast, a "Type C" abnormal condition can be solved by resetting or a power ON/OFF operation.

The Examiner has allegedly pointed out that lines 8 through 12 in column 8 of the Martin et al. reference disclose the subject matter of dependent claims 3 and 14. As discussed with respect to the section 102 rejections, although some of the events may

disclose certain abnormal condition in network management, these events are not associated with a predetermined set of “abnormal condition type[s]” as explicitly recited in the newly amended independent claims. Furthermore, as explicitly recited in newly amended independent claims 1 and 12, the “abnormal condition type” is used in conjunction with the abnormal condition removal information to determine as to whether or not a corresponding abnormal condition should be deleted. Neither of the cited references teaches, discloses or suggests the concept of the “abnormal condition type.” Let alone, neither of the cited references remotely suggests the use of the “abnormal condition type” in removing the pending abnormal condition. Thus, it would not have been obvious to one of ordinary skill in the art to provide the patentable features of newly amended independent claim 1 or 12 based upon the cited references alone or in combination.

These are the reasons why it is no longer proper to sustain the rejection of newly amended independent claims 1 and 12 since they are not obvious by the Martin et al. reference and the Stevenson et al. reference alone or in combination.

By the same token, the rejections of dependent claims 5 through 8, 16 through 19, 27 through 30 and 38 through 41 also appear no longer proper. The Lovy et al. reference also fail to teach, disclose or suggest the concept of the “abnormal condition type.” Let alone, the cited reference remotely suggests the use of the “abnormal condition type” in removing the pending abnormal condition. Thus, it would not have been obvious to one of ordinary skill in the art to provide the patentable features of newly amended independent claim 1 or 12 based upon this and other cited references alone or in combination.

Dependent claims 2 through 22, 27 through 31, 32, 38 through 43 ultimately depend from newly amended independent claim 1 or 12 and incorporate the above discussed patentable features of the current invention. Based upon the above reasons, the

Applicant respectfully submits to the Examiner that the pending section 103 rejections should be withdrawn.

CONCLUSION

In view of the above amendments and the foregoing remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance and respectfully request a favorable Office Action so indicating.

Respectfully submitted,

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